UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,000	01/30/2004	Steven James McGee		1999

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EXAMINER
PATEL, MANGLESH M

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _30 January 2004_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-3_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-3_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _30 January 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This **Non-Final** action is responsive to communications: IDS and application filed on

January 30, 2004.

2.   Claims 1-3 are pending. Claim 1 is an independent claim.

Drawings

3.   The examiner has accepted the Drawings filed on January 30, 2004.

Information Disclosure Statement

4.   The information disclosure statement filed January 30, 2004 fails to comply with the

provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because application number 10/605144 is not

prior art because it has not been disclosed or published therefore it cannot be considered. The

listed application which is 10/605144 in the specification has already been considered no need to

add it to the IDS since it has not been published. It has been placed in the application file, but

the information referred to therein has not been considered as to the merits. Applicant is advised

that the date of any re-submission of any item of information contained in this information

disclosure statement or the submission of any missing element(s) will be the date of submission

for purposes of determining compliance with the requirements based on the time of filing the

statement, including all certification requirements for statements under 37 CFR 1.97(e). See

MPEP § 609.05(a).

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.   Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Independent claim 1, the claim makes reference to a previous application, the claim should contain a sentence describing the inventive feature, and it is incorrect to make reference to application/publication or patents in a claim.

Regarding Dependent claim 2, the claim states "and the like" this phrase renders the claim indefinite since it fails to point out and claim the subject matter of the invention.

Regarding Dependent claim 3, the claim is an improper dependent claim because it states "supporting the method of claims 1, 2" it is unclear does applicant mean claim 1 or 2 or only claim 1 and only claim 2, appropriate correction is required.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson (U.S.

Pub 2003/0081791, filed Oct 26, 2001) in view of Anvekar (U.S. Pub 2003/0054844, filed Dec

20, 2001).

Regarding Independent claim 1, Erickson discloses a method of claim as once

structured military messages are converted to XML schemas and proprietary military

message parsers are replaced by more efficient and industry standardized commercial

parsers as incorporated into software enterprise integration frameworks supported by

XML object stores and database technology as described in the previous patent

application submitted by this applicant as referenced by this application, the now

commercialized military message payloads carrying geospatial and unit organization data

and the like can be triggered (timing mechanism) by the ubiquitous TCP/IP heartbeat

mechanism for onward dissemination by intelligent software agents ("bots") as used by

newer P2P based products that leverage more modern transport layer protocols such as

the Simple Symmetric Transport Protocol (SSTP) thus enabling a universal homeland

defense, homeland security alert, data and information exchange supporting method

referred to by the applicant as a Homeland Security "heartbeat" (paragraph 29, wherein

messages are received by web server and an XML parser determines if the content

includes text or XML. The message is processed with SOAP and the web server passes

the message through a SOAP gateway that is then directed to a computing module, the

module then processes the message on the basis of the character strings within the various

XML tags). However Erickson fails to teach the conversion of text to XML tagged text.

Anvekar teaches the conversion of a message from text to XML tagged text (paragraphs

27, 29, 46 and 47, wherein raw text is converted into Extensible Markup Language XML

format wherein data items are tagged by customized XML tags). Erickson and Anvekar

are analogous art because they are from the same field of endeavor of message exchange

using XML. At the time of the invention it would have been obvious to a person of

ordinary skill in the art to include the conversion of text to XML tag data. The motivation

for doing so would have been to allow the processing of the SM contents to become

easier for other functional entities in the system by the inclusion of XML tags. Therefore

it would have been obvious to combine the teachings of Anvekar with Erickson for the

benefits of allowing message exchange by conversion from text to XML through

gateways thereby providing easier processing within the system.

Regarding Dependent claim 2, with dependency of claim 1, Erickson discloses a

method of claim supporting the primary claim where the ubiquitous TCP/IP heartbeat

mechanism is used to define the name of the host computers participating in data

exchanges and the time interval to poll, gather from, or send data to is set to desired

intervals (heartbeat mechanism, e.g., fifteen minutes), an intelligent agent residing in a

commercial product monitoring this process gathers the target data from designated

queues then passes the collected data to the selected commercial product's commercial

XML Object Store for temporary queuing/storage prior to onward dissemination by an

XML (Simple Object Access Protocols-SOAP) messaging relay in the form of alerts,

messages, tables and the like as stipulated by participating platforms as XML structures

(Schemas) (paragraph 29).However Erickson fails to teach the conversion of text to XML tagged text. Anvekar teaches the conversion of a message from text to XML tagged text (paragraphs 27, 29, 46 and 47, wherein raw text is converted into Extensible Markup Language XML format wherein data items are tagged by customized XML tags). Erickson and Anvekar are analogous art because they are from the same field of endeavor of message exchange using XML. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the conversion of text to XML tag data. The motivation for doing so would have been to allow the processing of the SM contents to become easier for other functional entities in the system by the inclusion of XML tags. Therefore it would have been obvious to combine the teachings of Anvekar with Erickson for the benefits of allowing message exchange by conversion from text to XML through gateways thereby providing easier processing within the system.

Regarding Dependent claim 3, with dependency of claim 1, Erickson discloses placing the commercial equivalent tools used to configure what is known as the "lower tactical internet or lower TI" for the United States Army into commercial software developmental frameworks tools layers given that commercial networks configure router MIBs and multicast groups as well as organize for tasks by unit or organization (paragraph 29). Erickson and Anvekar are analogous art because they are from the same field of endeavor of message exchange using XML. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the conversion of text to XML tag data. The motivation for doing so would have been to allow the processing of the SM

contents to become easier for other functional entities in the system by the inclusion of

XML tags. Therefore it would have been obvious to combine the teachings of Anvekar

with Erickson for the benefits of allowing message exchange by conversion from text to

XML through gateways thereby providing easier processing within the system.

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any

interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it

contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art.

[[See, MPEP 2123]]

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937.

The examiner can normally be reached on M,F 8:30-6:00 T,TH 8:30-3:00 Wed 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen S. Hong can be reached on (571)272-4124. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel
Patent Examiner
June 23, 2006

STEPHEN HONG
SUPERVISORY PATENT EXAMINER